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PATENT
Attorney Docket No.: SONY-24500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan L. Davidson et al.

Patent No.: 6,947,958 B2
Serial No.: 09/955,820

Issued.: September 20, 2005
Filed: September 19, 2001

For: **SYSTEM AND METHOD FOR
DOCUMENTING COMPOSITE
DATA PRODUCTS**

) Group Art Unit: 2171

) Examiner: Al Hashemi, Sana A.

) **TRANSMITTAL LETTER**

) 162 North Wolfe Road
) Sunnyvale, California 94086
) (408) 530-9700

) Customer Number 28960

Attn: Decision and Certificate of Correction
Branch of the Patent Issue Division
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
FEB 16 2006
of Correction

Sir:

Enclosed please find a request for reconsideration of certificate of correction of patent for U.S.P.T.O. mistake including form PTO 1050 and duplicate for filing with the U.S. Patent and Trademark Office.

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: February 9, 2006

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No.: 37,902

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

- 1 -

HAVERSTOCK & OWENS LLP.

Date: 2-9-06 By: Jonathan O. Owens



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) **REQUEST FOR RECONSIDERATION
OF CERTIFICATE OF CORRECTION
OF PATENT FOR U.S.P.T.O. MISTAKES
UNDER 37 C.F.R. § 1.322**

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**Attn: Decision and Certificate of Correction
Branch of the Patent Issue Division**

Sir:

Attached in duplicate is Form PTO-1050, with at least one copy being suitable for printing. The corrections stated in the attached Form PTO-1050 recite the corrections stated below.

Below, column and line numbers refer to U.S. Patent Number 6,947,958, titled "System and Method For Documenting Composite Data Products," and issued September 20, 2005. Page and line numbers refer to the corresponding U.S. Patent Application Serial Number 09/955,820 (the '820 application), filed September 19, 2001.

REQUEST FOR RECONSIDERATION

Applicants request reconsideration of the request for certificate of correction as the printed patent of the '820 application is in error and should be corrected.

On September 19, 2001, an unsigned declaration was filed with the '820 application. On October 25, 2001, a Notice to File Missing Parts was mailed because the declaration was incomplete, specifically because it was unsigned. On March 8, 2002, the supplemental declaration was submitted by Applicants. Within the supplemental declaration were the names, addresses and signatures of all of the inventors, including Sam Richards, Los Angeles, CA (US). The printed patent should include all of the inventors already on the patent and Sam Richards, as he was properly included in the supplemental declaration.

Under MPEP §603, "Supplemental Oath or Declaration," 37 C.F.R. 1.67 (a)(1), "[d]eficiencies or inaccuracies relating to all inventors...may be corrected with a supplemental...declaration signed by all the inventors..." The original declaration filed on September 19, 2001 only included some of the inventor's names but failed to provide signatures and the other required information. In the supplemental declaration filed on March 8, 2002, all of the inventors' names and signatures were submitted, including Sam Richards, along with the other required information. The "deficiencies" were "corrected" with a "supplemental declaration" which was "signed by all the inventors." As such, Sam Richards is a named inventor and to omit him in the printed application is an error. This error should be corrected via a certificate of correction.

Moreover, according to MPEP §602.02 "New Oath or Substitute for Original," "[w]here neither the original...declaration, nor the substitute...declaration is complete in itself, but each...declaration names all of the inventors and the two taken together give all the required data, no further...declaration is needed." Clearly the originally filed declaration is incomplete as it did not contain the signatures of the inventors. The supplemental declaration filed on March 8, 2002, appears to be complete as 1) it was accepted by the USPTO without further comment and 2) it contains all of the required information of all of the inventors and their signatures, including Sam Richards. Therefore, the declaration of March 8, 2002 is what the USPTO should have used for printing the patent. Furthermore, under §602.02, the two declarations can be combined to obtain the required data, which is what appears to be partly done here as just described. Therefore, either the supplemental declaration should have been used in whole which would have included Sam Richards, Los Angeles, CA (US) or the original and supplemental declarations should have been

combined. By combining the two, the inventor Sam Richards, Los Angeles, CA (US) should have been included on the printed patent as he was a named inventor in accordance with USPTO requirements in the supplemental declaration. In either circumstance, Sam Richards was incorrectly omitted from the printed patent.

Even if it is still believed that a correction of inventorship is necessary after the arguments stated above, Applicants suggest additional reasoning why such actions are not necessary. Under 37 C.F.R. 1.324, "Correction of Inventorship," there exists a requirement for the inventors to agree to adding this new inventor. All of the inventors signed declarations, including Sam Richards, and they were all submitted to the USPTO at the same time. Therefore, the concerns of adding an inventor without the consent of the other named inventors do not exist as all of the inventors signed and submitted their declarations together. For this reason as well, Sam Richards should have been considered a named inventor and should be printed on the patent.

For the reasons stated above, Applicants request a certificate of correction of USPTO's mistake under 37 C.F.R. §1.322.

**CORRECTION OF PATENT OFFICE'S
MISTAKES UNDER 37 C.F.R. § 1.322**

The following are mistakes made by the U.S. Patent Office. The exact page and line number where the errors are shown correctly in the application file are given below.

On the Front Page

At section (75), Inventors, please add – Sam Richards, Los Angeles, CA (US) – so that the corresponding list of inventors reads – Alan L. Davidson, Marina Del Rey, CA (US); Amit Agrawal, Santa Monica, CA (US); James Berney, Yorba Linda, CA (US); John McLaughlin, Los Angeles, CA (US); Robert Engle, Los Angeles, CA (US); Sam Richards, Los Angeles, CA (US) –. The correct set of inventors including Sam Richards is shown in the Assignment, Declaration and Power of Attorney filed March 8, 2002, enclosed herein.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: February 9, 2006

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No. 37,902
Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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HAVERSTOCK & OWENS LLP.

Date: 2-9-06 By: Jon O. Owens

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,947,958 B2

DATED : September 20, 2005

INVENTOR(S) : Alan L. Davidson, Amit Agrawal, James Berney, John McLaughlin,
Robert Engle, Sam Richards

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby correct
as shown below:

ON THE FRONT PAGE

In section (75) Inventors, add -- Sam Richards, Los Angeles, CA (US) --.

MAILING ADDRESS OF SENDER:
HAVERSTOCK & OWENS LLP
162 North Wolfe Road
Sunnyvale, CA 94086

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